

**Amendments to the Drawings:**

The drawing sheets attached in connection with the above-identified application containing Figures 1, 2, 3a, and 3b are being presented as a new formal drawing sheets to be substituted for the previously submitted drawing sheets. The drawing Figures 1, 2, 3a, and 3b have been amended.

The specific changes which have been made to Figures 1, 2, 3a, and 3b are that they have been labeled --Prior Art--.

**REMARKS**

Applicant thanks the Examiner for acknowledging that claims 1-4 contain allowable subject matter.

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1-3, 5 and 6.

Claim 1 is currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4 are now pending in this application.

**Information Disclosure Statement**

The Office Action states that the Information Disclosure Statement (IDS) filed February 11, 2005, fails to comply with 37 CFR § 1.98(a)(2), which requires a legible copy of each foreign cited patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The Office Action states that the IDS has been placed in the application file, but the information referred to therein has not been considered.

In response, Applicant has enclosed courtesy copies of the foreign patent documents cited in the IDS for the Examiner's convenience. Accordingly, Applicant requests that the Examiner consider the documents and initial the form PTO/SB/08.

**Drawing Objections**

Figures 1, 2, 3a and 3b were objected to for not being designated --Prior Art--. In response, Applicant has amended Figs. 1, 2, 3a and 3b to correct the informalities. Accordingly, Applicant requests that the objection be withdrawn.

**Specification**

The Abstract was objected to for not being a single paragraph, for allegedly containing improper phrases and for containing grammatical errors. In response, Applicant has amended the abstract. The amended Abstract is presented as a new Abstract attached to this document to replace the previously submitted Abstract. Accordingly, applicant requests that the objection be withdrawn.

The specification was objected to for failing to provide proper antecedent basis for the claimed subject matter. In addition, the specification was objected to because “there is no written description for a ‘rip’ as associated with reference character 14.”

In response, Applicant has amended the specification to cure the informalities identified by the Examiner. Accordingly, applicant requests that the objection be withdrawn.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1-4 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement and the enablement requirement. Specifically, the Office Action alleges that “[t]he claims fail to set forth the structure of the case with respect to the safe landing pit and the covers moving each other.” In addition, claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, without agreeing or acquiescing to the rejection, Applicant has amended claims 1-4 to adhere to the requirements under 35 U.S.C. § 112, first and second paragraphs.

Specifically, claim 1 recites “the cosmetic case having a main body (1), first and second covers (2, 12) which reveal or cover the main body (1) and a refill container (10) respectively.” Accordingly, the main body and refill container are distinct structures each having their own cover. *See* Fig. 5. Claim 1 has been amended to recite: “so as to let covers (2, 12) move ~~each other~~ respectively.” Claim 1 has been amended to distinguish between the first ventilation opening of the safe landing pit and the first ventilation opening of the second

cover. “[A] safe landing pit (122)” is “provided in the second cover (12) ~~[[of]]~~ for the refill container (10)” as claimed in claim 1 and shown in Fig. 7a. Further, “[a] powder container (6) for powder (20), and a packing (16) is provided along a side-surface of the refill container (10)” as claimed in claim 1 and shown in Fig. 5.

Accordingly, Applicant requests that the rejection be withdrawn and claims 1-4 be allowed.

**Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

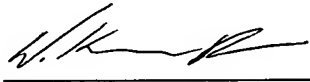
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

2/2/09

By

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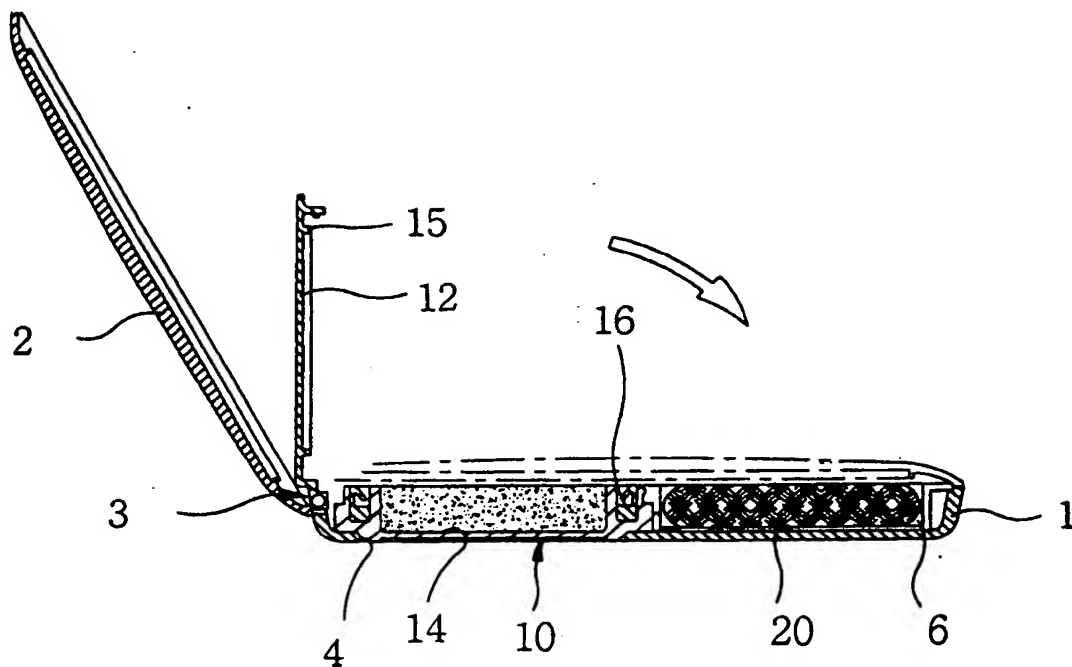
Brian J. McNamara  
Attorney for Applicant  
Registration No. 32,789

**PRIOR ART**

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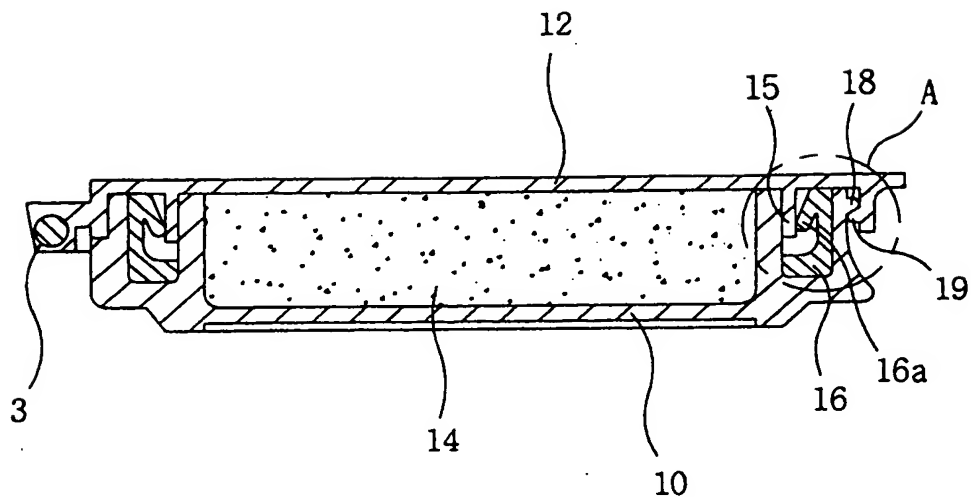
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**FIG. 1**



**PRIOR ART**

**FIG. 2**

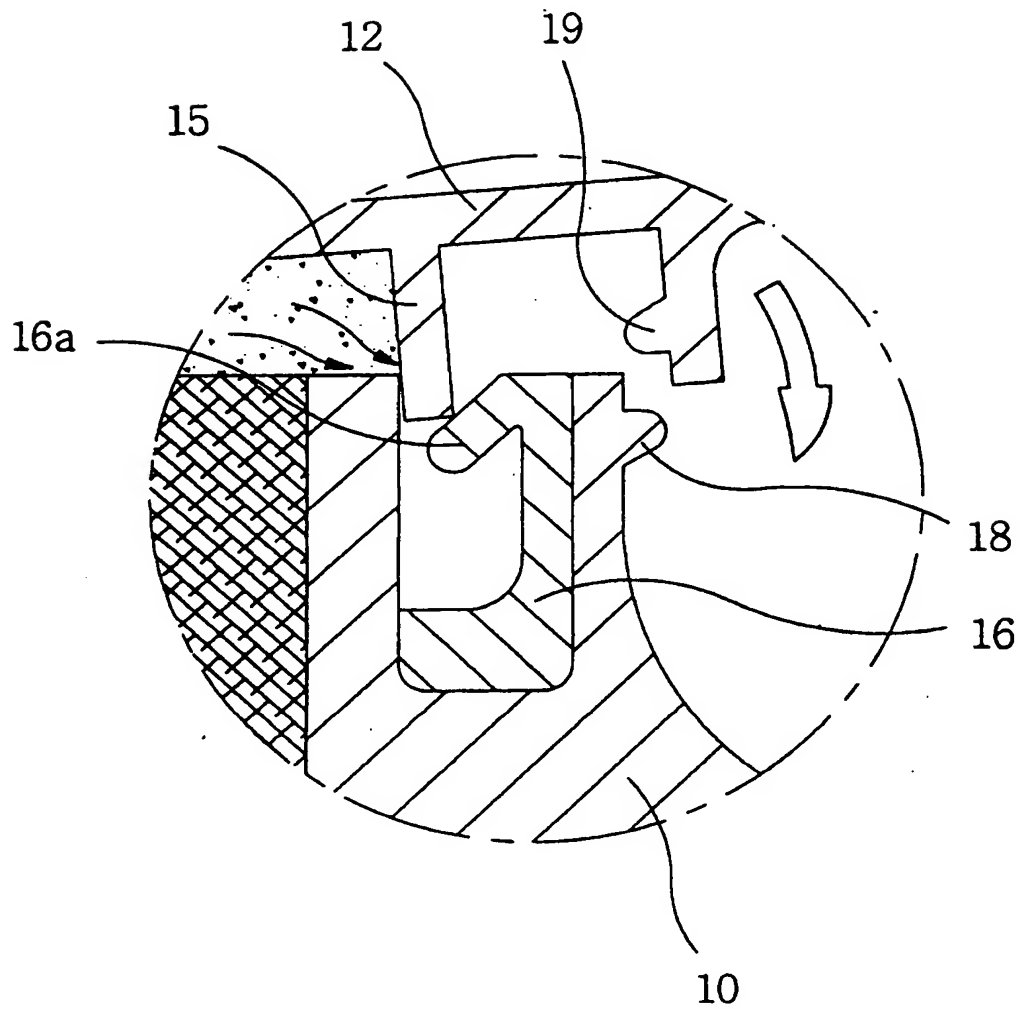


**PRIOR ART**

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**FIG. 3a**



**PRIOR ART**

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**FIG. 3b**

